S.B.Civil Writ Petition NO.2199/2005

Rajendra Prasad Tanwar vs Punjab National Bank & ors.

DATE OF ORDER : - 15.4.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Manish Shishodia, for the petitioner.

- - - -

Heard learned counsel for the petitioner.

It appears from the facts of the case that the petitioner/defendant was served with the summon of suit and appearance on behalf of petitioner was put in the Court on 8.11.2001. The petitioner even submitted an application under Order 6 Rule 2(3) C.P.C. but did not submit the written statement for more than three years. Lastly on 15.1.2004, the trial court granted last opportunity to file written statement and specifically ordered that in case, the written statement will not be filed, the right to file written statement will be closed. Despite this order, the petitioner did not file written statement, therefore, the trial court vide order dated 6.2.2004 closed the petitioner's right to file written statement.

According to learned counsel for the petitioner, it is apparent from the various order-sheets that the matter remained pending because of the reason that the settlement offer was there from the

borrower and it was being processed by the plaintiff bank. Be it as it may be. The fact remains that the petitioner who could have submitted written statement, did not submit the written statement for years and thereafter, when the Court passed the order on 5.1.2004 directing the petitioner to file written statement, still the petitioner did not file the written statement, therefore, the trial court has not committed any illegality in passing the impugned order. I do not find any reason to interfere in the impugned order while exercising writ jurisdiction.

Accordingly, the present writ petition, having no force, is hereby dismissed.

(Prakash Tatia), J.

s.phophaliya/-